

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

|  |  |                                       |
|--|--|---------------------------------------|
| <b>CIMARRON CAPITAL, LTD. and KONA<br/>CONCEPTS, INC.,</b> | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | <b>Civil Action No. 4:21-cv-00321</b> |
| <b>Plaintiffs,</b>   |  |                                       |
| <b>v.</b>  |  |                                       |
| <b>ENZOLYTICS, INC.,</b>                                   |  |                                       |
| <b>Defendant.</b>  |  |                                       |

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiffs, **CIMARRON CAPITAL, INC. and KONA CONCEPTS, INC.**, by and through its Counsel, hereby gives notice of its voluntary dismissal of this case without prejudice.

1. On April 21, 2021, **CIMARRON CAPITAL, INC. and KONA CONCEPTS, INC.**, filed a Verified Complaint for specific relief.

2. Defendant has not answered or moved for summary judgment.

3. Fed. R. Civ. P. 41(a)(1)(A)(i) provides that so long as the opposing party has not yet served either an answer or motion for summary judgment in response to the complaint, a plaintiff may voluntarily dismiss its case without a court order by filing this notice of dismissal. *Little v. Trott & Trott, P.C.*, 2009 U.S. Dist. LEXIS 116575, \*2 (D.D.C. Dec. 14, 2009) (citing Fed. R. Civ. P. 41(a)(1)(A)(i)); accord *Miniter v. Sun Myung Moon*, 736 F. Supp. 2d 41, 44-45 & n. 7. (D.D.C. 2010).

4. Plaintiffs hereby gives such notice of voluntary dismissal.

5. Therefore, this action should be dismissed without prejudice. *See, e.g., Little*, 2009 U.S. Dist. LEXIS 116575 at \*3 (“As such, Plaintiff’s complaint is automatically DISMISSED

WITHOUT PREJUDICE without the need for a court order.” (citing Fed. R. Civ. P. 41(a)(1)(A)(i) and emphasis in original)).

Respectfully submitted,

**BELL NUNNALLY & MARTIN LLP**

By: /s/ Benjamin L. Riemer

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on the following counsel of record via the Court’s electronic serve system on the 24<sup>th</sup> day of June, 2021:

Daniel P. Callahan, Esq.  
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/s/ Benjamin L. Riemer  
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